



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 20, 1997

Ms. Sandra C. Joseph
Open Records Counsel/Disclosure Officer
Comptroller of Public Accounts
P.O. Box 13528
Austin, Texas 78711

OR97-2535

Dear Ms. Joseph:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 110358.

The Comptroller of Public Accounts (the "comptroller") received a request for information concerning whether a certain public employee paid a sales tax on the purchase of a personal item made through the use of a school district's tax exemption certificate. You assert that the information is excepted from disclosure pursuant to section 552.101 of the Government Code. We have considered your arguments and have reviewed the information submitted.

Section 552.101 excepts from required public disclosure information considered to be confidential by law, either constitutional, statutory, or by judicial decision and incorporates the doctrine of common-law privacy. For information to be protected from public disclosure under the common-law right of privacy, the information must meet the criteria set out in *Industrial Found. of the S. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld from the public when (1) it is highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 (1992) at 1.

The records submitted for our review include a copy of a school district employee's personal check, as well as receipts showing the employee's checking account number. We believe that a personal bank account number constitutes highly intimate or embarrassing facts about an individual. *See* Open Records Decision No. 545 (1990). Moreover, disclosure of a person's bank account number is of no legitimate concern to the public. The public interest in the matter at hand resides

in knowing that the employee paid the tax on the purchase of an item for personal use, not in release of the personal account number. Therefore, you must withhold the account number from the personal check as well as from the receipts under section 552.101. The remainder of the requested information must be released to the requestor.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 110358

Enclosures: Submitted documents

cc: Mr. Wayne L. Lyon
P.O. Box 1199
Lindale, Texas 75771
(w/o enclosures)

¹We note the individual whose financial information is the subject of this request submitted comments indicating that the Smith County District Attorney is in possession of a report which contains the requested information, and that release of the requested information might "damage the report if any type of charges are filed." However, as no governmental body has raised a law enforcement or prosecution exception with regard to release of the requested information, we will not consider any such exception in this ruling.